

1 defendant's and the public's need for a speedy trial.

2 Dated: September 23, 2005

/s/

LARA S. VINNARD
Assistant Federal Public Defender

4 Dated: September 23, 2005

/s/

SUSAN KNIGHT
Assistant United States Attorney

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,)	No. CR 05-00288 RMW
)	
Plaintiff,)	ORDER CONTINUING
v.)	HEARING
)	
MARIO PONCE,)	
)	
Defendant.)	

The parties have jointly requested a continuance of the hearing set for September 26, 2005, on grounds that the defense is continuing to investigate whether Mr. Ponce may be able to restore his immigration status based on possible defects in the felony conviction that provided grounds for his removal from the United States.

GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that the hearing date presently set for September 26, 2005, be continued to Monday, October 24, 2005, at 9:00 a.m.

Pursuant to the parties' stipulation, IT IS FURTHER ORDERED that the period of time from September 26, 2005, to Monday, October 24, 2005, shall be excluded from the period of time within which trial must commence under the Speedy Trial Act, 18 U.S.C. § 3161 et seq.

Dated: 10/5/05

/S/ RONALD M. WHYTE

RONALD M. WHYTE
United States District Judge